

REMARKS

Claims 1-21 are pending in this application. Claims 6-15, 17-19, and 21 are withdrawn from consideration. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended claims 1, 16, and 20 to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application. This amendment is made to clarify the subject matter in claims 1, 16, and 20 without introducing any new features.

In the outstanding Official Action, the Examiner rejected claims 1-5, 16 and 20 under 35 USC §102(e) as being anticipated by Matsugu (USP 6,636,635). Applicant respectfully traverses this rejection.

Claim Rejections -35 USC §102(e)

In support of the Examiner's rejection of claim 1, the Examiner asserts Matsugu discloses an extractor as recited in the claims citing to column 15, lines 39-46 and column 44, line 66 through column 45, line 5, and Figure 23. Applicant respectfully disagrees with the Examiner's characterization of this reference.

The disclosure of Matsugu is directed to an object extraction method for performing processing for extracting and cutting out a specific object from a sensed image at high speed. At column 44, lines 66 to column 45, line 5, Matsugu teaches as follows:

Reference numeral 505 denotes an object distance detection unit which processes images from the cameras 501<sub>R</sub> and 501<sub>L</sub> and calculates the distance to an object included in image frames on the basis of optical parameters of the image sensing unit, the disparity between the right and left image frames, or its distribution ...

In other words, Matsugu merely teaches calculating the distance to an object.

In contrast, the present invention as set forth in claim 1 *inter alia*, an image processing apparatus for processing an image obtained by photographing a subject, comprising an image data unit for capturing a first image and a second image of the subject, said second image being captured in a parallaxtic manner; and an extractor for extracting image information relating to the conditions of the image from the first image and **depth information indicating a distance between a point to another point on the subject from the second image**. While Matsugu may disclose calculating the distance to an object, there is no teaching or suggestion in Matsugu that is directed to depth information indicating a distance between a point to another point on the subject from the second image as set forth in claim 1. As Matsugu fails to teach or suggest all of the claimed elements it is

respectfully submitted that Matsugu fails to anticipate the invention as set forth in claim 1. As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-5 are allowable for the reasons set forth above regarding claim 1 at least based upon their dependency upon claim 1.

It is respectfully submitted that claims 16 and 20 contain elements similar to those discussed above with regard to claim 1 and thus claims 16 and 20 are allowable for the reasons set forth above with regard to claim 16.

#### **Additional Comments**

On September 5, 2000, Applicant filed an Information Disclosure Statement. Although in the last two (2) Office Actions, the Examiner indicated the signed PTO-1449 was attached, to date, no PTO-1449 has been received. Applicant respectfully requests consideration of the documents contained in the Information Disclosure Statement.

#### **Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to the undersigned below, to conduct an interview in an

effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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